

LP2_Req_Clerk_Enter_Default_Rule_55.Doc

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	ECF CASE
T & T IMPORTS, INC.,	:
	:
	:
Plaintiff,	:
	:
-against-	:
	:
RENZO FOOD CORP., d/b/a Fine Fare Supermarket;	:
JOHNNY DIAZ, individually and in his corporate	:
capacity; and GENERAL TRADING CO., INC.,	:
	:
Defendants.	:
-----X	:

**TO: J. MICHAEL McMAHON, CLERK OF COURT
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

Please enter default of defendants, Renzo Food Corp. and Johnny Diaz, pursuant to Rule 55(a) of the Federal Rules of Civil Procedure for failure to plead or otherwise defend the above-captioned action as fully appears from the court file herein and from the attached declaration of Carl E. Person dated January 31, 2008.

**Dated: New York, New York
January 31, 2008**



**Carl E. Person (CP 7637)
Attorney for Plaintiff, T & T Imports, Inc.
325 W. 45th Street - Suite 201
New York, New York 10036-3803
(212) 307-4444**

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	:	ECF CASE
	:	
T & T IMPORTS, INC.,	:	07 CV 10990 (JFK)
	:	
Plaintiff,	:	DECLARATION OF
	:	<u>CARL E. PERSON</u>
-against-	:	
	:	
RENZO FOOD CORP., d/b/a Fine Fare Supermarket;	:	
JOHNNY DIAZ, individually and in his corporate	:	
capacity; and GENERAL TRADING CO., INC.,	:	
	:	
Defendants.	:	
	:	
-----X	:	

I, Carl E. Person, declare as follows:

1.. I am the attorney for the Plaintiff, T & T Imports, Inc. (the "Plaintiff") in the above-captioned action, am fully aware of the facts stated herein, and make this declaration in support of the Plaintiff's application for entry of a default by the Clerk of the Court against Defendants Renzo Food Corp. ("Renzo") and Johnny Diaz ("Diaz").

2.. The Complaint in this action was filed on December 4, 2007, and a summons was issued on the same date.

3.. A copy of the Summons and Complaint was served on Defendants Renzo and Diaz on December 7, 2007, by service of a copy of the Summons and Complaint on Diaz, at 763 Concourse Village, Bronx, New York.

4.. A copy of the Proof of Service was filed on January 31, 2008, showing that an answer or motion was due on December 27, 2007, and that no answer or motion was made by either of the defendants at any time from service of process upon them to the present.

5.. Accordingly, the Plaintiff requests that the Clerk of the Court enter a default as to each of Defendants Renzo and Diaz.

I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct to the best of my knowledge.

Executed on January 21, 2008 at New York, New York.



By: _____
Carl E. Person

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**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X	:	ECF CASE
T & T IMPORTS, INC.,	:	07 CV 10990 (JFK)
	:	
Plaintiff,	:	CLERK'S CERTIFICATE
	:	<u>OF DEFAULT</u>
-against-	:	
	:	
RENZO FOOD CORP., d/b/a Fine Fare Supermarket;	:	
JOHNNY DIAZ, individually and in his corporate	:	
capacity; and GENERAL TRADING CO., INC.,	:	
	:	
Defendants.	:	
-----X	:	

I, J. Michael McMahon, Clerk of Court of the United States District Court for the Southern District of New York, DO HEREBY CERTIFY that the Defendants Renzo Food Corp. and Johnny Diaz have failed to plead or otherwise defend as provided by the Federal Rules of Civil Procedure, and have not filed an answer or otherwise moved with respect to the complaint herein. The default of Defendants, **Renzo Food Corp.** and **Johnny Diaz** is hereby noted pursuant to Rule 55(a) of the Federal Rules of Civil Procedure.

**Dated: New York, New York
January 31, 2008**

J. MICHAEL McMAHON

Clerk of Court

By _____
Deputy Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X	:	ECF CASE
T & T IMPORTS, INC.,	:	07 CV 10990 (JFK)
	:	
Plaintiff,	:	<u>PROOF OF SERVICE</u>
	:	
-against-	:	
	:	
RENZO FOOD CORP., d/b/a Fine Fare Supermarket;	:	
JOHNNY DIAZ, individually and in his corporate	:	
capacity; and GENERAL TRADING CO., INC.,	:	
	:	
Defendants.	:	
-----X	:	

I, **Carl E. Person**, an attorney duly authorized to practice in the State of New York, do hereby affirm that the following is true under the penalty of perjury pursuant to CPLR 2106:

I am not a party to this action, am over 18 years of age, and on January 31, 2008, I caused to be served a true copy of the following documents (the "Documents"):

**REQUEST TO ENTER DEFAULT;
DECLARATION OF CARL E. PERSON; and
[proposed] CLERK'S CERTIFICATE OF DEFAULT**

(the "Documents") dated January 31, 2008 on the Defendants, **Renzo Food Corp.** and **Johnny Diaz** by mailing a copy of the Documents to each of them to the following address(es):

Renzo Food Corp.
763 Concourse Village West
Bronx, New York 10451-3801

Johnny Diaz
763 Concourse Village West
Bronx, New York 10451-3801

Dated: January 31, 2008



Carl E. Person (CP 7637)